

BEST AVAILABLE COPY

PTO/SB/97 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

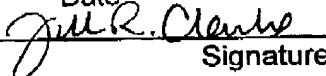
Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmission under 37 CFR 1.8RECEIVED
CENTRAL FAX CENTER

JAN 05 2005

I hereby certify that this correspondence for U.S. Patent Application No. 09/765,207, filed January 17, 2001 in re Angsar Brock, et al. is being facsimile transmitted to the United States Patent and Trademark Office at facsimile number (703) 872-9306 on January 5, 2005.

Date



Signature

Jill R. Clarke

Typed or printed name of person signing Certificate

Customer No. 29490
 Genomics Institute of the Novartis Research Foundation
 Telephone: 858-812-1796
 Fax: 858-812-1981

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Attachments:

1. Form PTO/SB/21 Transmittal Form (1 pg.);
2. Applicants' Interview Summary (3 pgs.); and
3. Fax Cover Sheet with Certificate of Transmission under 37 CFR 1.8 (1 pg.).

Total pages (including this paper): 5

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

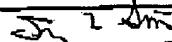
(to be used for all correspondence after initial filing)

Total Number of Pages In This Submission	5	Application Number	09/765,207
		Filing Date	01/17/2001
		First Named Inventor	BROCK, Ansgar
		Art Unit	2856
		Examiner Name	
		Attorney Docket Number	P0021US00

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	1. Form PTO/SB/21 Transmittal Form (1 pg.); 2. Applicants' Interview Summary (3 pgs.); 3. Fax Cover Sheet with Certificate of Transmission under 37 CFR 1.8 (1 pg.).
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks: The Director is authorized to charge any additional fees to Deposit Account No. 50-1885.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm	Genomics Institute of the Novartis Research Foundation		
Signature			
Printed Name	Timothy L. Smith, Ph.D.		
Date	January 5, 2005	Reg. No.	35,387

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the US PTO at facsimile number 703-672-9306 on the date shown below.

Signature		Date	January 5, 2005
Typed or printed name	Jill R. Clarke		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENTRECEIVED
CENTRAL FAX CENTER

JAN 05 2005

CERTIFICATE OF TRANSMISSION
I hereby certify that this correspondence is being sent to the USPTO
via Facsimile Transmission to Fax number 703-872-9306
on January 5, 2005

By: Jill R. Clarke
Jill R. Clarke

Attorney Docket No.: P0021US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BROCK, Ansgar et al.

Application No.: 09/765,207

Confirmation No.: 5731

Filed: January 17, 2001

For: SAMPLE DEPOSITION
METHOD AND SYSTEM

Art Unit: 2856

Examiner: NOLAND, Thomas

APPLICANTS' INTERVIEW
SUMMARY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants' summary of the Examiner Interview of December 20, 2004 in the above-identified matter is provided below. The undersigned attorney thanks the Examiner for extending the courtesy of an interview.

1) Description of Exhibits and/or Demonstrations

Applicants' attorney played two video clips which demonstrate the operation of the sample deposition system claimed by Applicants. In particular, the video clips demonstrated that the system claimed by Applicants includes an HPLC source which causes liquid to flow through a capillary even without the application of an electric field.

Applicants' Interview Summary
BROCK, Ansgar et. al.
Appl. No. 09/765,207
Page 2

2) Claims Discussed

Claims discussed included independent claims 68 and 83, as amended in the Amendment and Request for Continued Examination filed December 16, 2004.

3) Cited References Discussed

Cited references that were discussed included O'Connor et al., US 2002/0003177 ("O'Connor"), Sauter (US 6,149,815), King (US 6,132,582), and Morozova et al. (*Anal. Chem.* 71: 3110-3117 (1999)).

4) Principal Proposed Amendments

The amendments presented in the Amendment and Request for Continued Examination filed December 16 were discussed. In particular, the discussion focused on the claim element added to claim 68 (and present in newly added claim 83) which recites that the sample deposition system claimed by Applicants includes "a high pressure liquid chromatography (HPLC) source in fluid communication with the capillaries, which HPLC source causes a liquid to flow through and form a droplet at an end of each capillary."

5) General Thrust of Principal Arguments

The arguments presented during the interview are essentially the same as those provided in the December 16, 2004 Amendment. In particular, the claims, as amended in the December 16, 2004 Amendment, recite that the claimed system includes an HPLC source that causes the flow of liquid through the capillary even prior to application of the electric field. Applicants' attorney pointed out that both the HPLC source and the flow of liquid in the absence of the electric field are features that distinguish the claimed invention from those described in the cited references. Applicants' attorney pointed out language in the cited references which teaches away from a sample deposition system having an HPLC source, and from systems in which fluid flows through a capillary even in the absence of an electric field.

With respect to claim 83, it was pointed out that these two claim elements are sufficient to distinguish the claimed system even without the claim limitations that were previously added to claim 68 to overcome rejections over Sauter and King (i.e., that the electric field is formed by applying a charge to the sample plate and grounding the liquid droplet).

Applicants' Interview Summary
BROCK, Ansgar et. al.
Appl. No. 09/765,207
Page 3

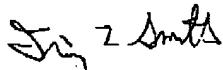
6) Other Pertinent Matters Discussed

Not applicable.

7) General Results or Outcome of the Interview

Examiner Noland agreed that, with the HPLC source limitation, the claims distinguish over the cited references, although further review would be needed to make certain of this fact (particularly with respect to claim 83).

Respectfully submitted,



Timothy L. Smith, Ph.D.
Reg. No. 35,367

Customer No.: 29490

GENOMICS INSTITUTE OF THE NOVARTIS RESEARCH FOUNDATION
10675 John Jay Hopkins Drive, Suite E225
San Diego, CA 92121
Tel: (858) 812-1547
Fax: (858) 812-1981

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.